

MS PETITION
PATENT
2750-1573PUS1

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: FELDMANN, Kenneth et al Conf.:
Appl. No.: NEW Group:
Filed: March 21, 2006 Examiner:
For: NUCLEOTIDE SEQUENCES AND POLYPEPTIDES
ENCODED THEREBY USEFUL FOR INCREASING
PLANT SIZE AND INCREASING THE NUMBER
AND SIZE OF LEAVES

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)

MS PETITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 21, 2006

Sir:

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

Note: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☐ Small entity - fee \$750.00 (37 C.F.R. § 1.17(m)).
Applicant claims small entity status. See 37 C.F.R.
§ 1.27.
- ☒ Other than small entity - fee \$1,500.00 (37 C.F.R.
§ 1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action
in the form of (identify type of reply):
- ☐ has been filed previously on .
- ☐ is enclosed herewith.
- B. The issue fee of \$0.00
- ☐ has been paid previously on .
- ☐ is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or
after June 8, 1995, no terminal disclaimer is
required.
- ☐ A terminal disclaimer (and disclaimer fee (37 C.F.R.
§ 1.20(d)) of \$65.00 for a small entity or \$130.00 for
other than a small entity) disclaiming the required
period of time is enclosed herewith.

4. Statement: The entire delay in filing the required reply
from the due date for the required reply until the filing
of a grantable petition under 37 C.F.R. § 1.137(b) was
unintentional.

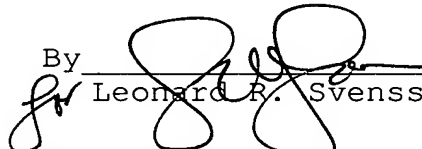
Appl. No. NEW

- ☐ No fee is required.
- ☐ Check(s) in the amount of \$0.00 is/are enclosed.
- ☒ Please charge Deposit Account No. 02-2448 in the amount of \$1,500.00. This form is submitted in triplicate.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

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Falls Church, VA 22040-0747
(703) 205-8000

LRS/SWG/sbp
2750-1573PUS1

- Attachments:
- ☒ Fee Payment
 - ☐ Reply
 - ☐ Terminal Disclaimer Form
 - ☐ Additional sheets containing statements establishing unintentional delay
 - ☐ Other: